

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/078,515	ZACHARIAS, JAIME
	Examiner ABOLFAZL TABATABAI	Art Unit 2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to application filed on February 21, 2002.
2.  The allowed claim(s) is/are 1-17.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review ( PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_

## **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

2. Authorization for this Examiner's amendment was given in a telephone interview with Applicant's Attorney (Mr. Jeffrey S. Schira with registration # 34,922), on February 29, 2008, without traverse.

3. In claim 14, line7, delete "providing computer means to convert", insert --- converting ---; end of line 8, after signal insert --- using a computer means, ---; line 9, delete "providing data storage means for said computer means to store", insert --- storing ---; and after signal insert --- in a data storage means for said computer means, ---; and end of line 10, delete "which", insert --- the computer means executes the steps of: ---.

## **Drawings**

4. The drawings were received on February 21, 2002. The Examiner accepts these drawings.

## Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance.

The prior art of record fails to teach or suggest video overlay system for surgical apparatus comprises (a) a video overlay circuit within said video overlay console for creating an output video signal composed by a combination of said surgical field video signal and said digital video signal in a distribution pattern determined by a key extracted from said digital video signal whereby the data used to create said digital video signal by said computer is transmitted from said surgical apparatus to said video overlay console by wireless means in combination into other features and elements of claim 1; (b) providing a video overlay circuit to produce said surgical video overlay output signal by overlaying said digital video signal onto said surgical field video signal whereby said video overlay circuit produces a video overlay output signal containing a graphic representation of the surgical parameters in a predetermined pattern selected by a human operator through said user interface whereby said computer program changes the graphic representation pattern used to produce said overlay output signal according to preferred operation modes as selected by a human operator through said user interface in combination into other features and elements of claim 14.

6. **Claims 1-17 are allowed.**

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Citation of Relevant Prior Art**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Uchikubo (U. S. 6,602,185 B1) discloses remote surgery support system.

Wright et al (U. S. 5,825,982) disclose head cursor control interface for an automated endoscope system for optimal positioning.

Goyal et al (U. S. 6,751,473 B1) disclose wireless communication terminal having a video image capability.

**Contact Information**

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to ABOLFAZL TABATABAI whose telephone number is (571) 272-7458.

The Examiner can normally be reached on Monday through Friday from 9:30 a.m. to 7:30 p.m. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Bhavesh Mehta, can be reached at (571) 272-7453. The fax phone number for organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abolfazl Tabatabai

Patent Examiner

Technology Division 2624

February 29, 2008

*A-Tabatabai*